

U.S. MARSHALS U.S. DISTRICT COURT  
GREENBELT, MD DISTRICT OF MARYLAND  
2016 NOV 21 AM 10:41 2016 NOV 18 P 3:48

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**UNITED STATES OF AMERICA**

v.

**RICHARD DELABRER,**  
Defendant.

and

**GREENBELT HOMES, INC.,**  
Claimaint.

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Civil No. **PJM 10-0637**

**MEMORANDUM OPINION**

For the following reasons, the Government's Motion for an Order of Disposition of Third-Party Claim (ECF No. 321) is **GRANTED**.

On May 25, 2011, Richard Delabrer pled guilty to conspiracy to commit extortion under color of official right and possession of a firearm in furtherance of a crime of violence. He was later sentenced to 46 months imprisonment, three years supervised released, and \$183,799 in restitution. On July 25, 2012, the Court issued a Judgment and Commitment Order that included the following order of forfeiture: "The defendant shall forfeit the defendant's interest in the following property to the United States: All rights, title and interest in Greenbelt, MD property (\$50,000 more or less) believed to be 14 Laurel Hill Road." Delabrer's right, title, and interest in 14 Laurel Hill Road is as the owner of a share of Greenbelt Homes, Inc. cooperative ("Greenbelt Homes"), which entitled him to occupy Unit G of 14 Laurel Hill Road ("Unit G"), since March 2010.

For a period of over four years following the entry of the restitution order, the Government refrained from seizing Delabrer's interest in Unit G, and Delabrer continued to pay the mortgage and monthly cooperative fees. However, in January 2016, Delabrer stopped making his mortgage and monthly cooperative fee payments.<sup>1</sup> Greenbelt Homes has since covered Delabrer's defaulted mortgage debt and has taken possession of Unit G. On August 24, 2016, Greenbelt Homes reached a written settlement agreement with the Government to address the disposition of Unit G, and the disposition of the proceeds of the sale of Unit G. According to that agreement, Greenbelt Homes will apply the sale proceeds to satisfy the expenses of the sale and the costs of repairs to Unit G, reimburse itself for the funds expended to cover the mortgage debt, and satisfy the unpaid monthly cooperative fees and other fees associated with the disposition. Greenbelt Homes will then pay all of the net proceeds to the Government as may be traceable to Delabrer's interest in 14 Laurel Hill Road, as specified in the Judgment and Commitment Order.

On September 13, 2016, the Government filed the instant Motion, waiving its right to challenge the third-party claim of Greenbelt Homes. Since then, Delabrer, the Government, and Greenbelt Homes have sent various letters to the Court related to the Motion.

The Court first affirms that in the Judgment and Commitment Order, it ordered that Delabrer had forfeited his rights, title, and interest in Unit G, which gave the Government the right to seize the property. While Delabrer's frustration with the Government's ensuing delay is perhaps understandable, the Government's right to seize Unit G remains nonetheless valid.

Delabrer also expresses concern that if the Court grants the instant Motion, and the plan laid out in the settlement agreement is executed, he will not get credit for the many payments he made towards the monthly cooperative fees and mortgage. That actually is not the case. The

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<sup>1</sup> Delabrer explains that he only stopped making payments after the Probation Office informed him that he could not live in Unit G, and Greenbelt Homes' attorney told him that the U.S. Marshal planned to seize the property, indicating that Delabrer would be throwing money away by paying the fees owed.

settlement agreement ensures that Delabrer will get appropriate credit. The agreement dictates that Greenbelt Homes will pay all net proceeds—i.e., the amount remaining from the sale after deducting expenses of the sale and repairs as well as reimbursing for funds expended to pay off the mortgage and cooperative fee debts—to the Government to be applied to Delabrer's restitution. In other words, the money Delabrer paid towards the mortgage and cooperative fees in fact reduced the debt covered by and owed to Greenbelt Homes.

For the foregoing reasons, the Government's Motion for an Order of Disposition of Third-Party Claim (ECF No. 321) is **GRANTED**.

A separate Order will **ISSUE**.

November 18, 2016

  
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/s/  
**PETER J. MESSITTE**  
**UNITED STATES DISTRICT JUDGE**